

Topsfield Conservation Commission
Meeting of Wednesday, July 7, 2010
Topsfield Library Meeting Room

With a quorum present Mr. Hall called the meeting to order at 7:06 p.m.

Topsfield Conservation Commissioners Present: George Hall, Chair; Holger Luther, Vice Chair; Jud Pratt; Jennie Merrill; Mark Erickson; James MacDougall
Also Present: Lana Spillman, TCC Administrator; Catherine Tinsley, Minutes Secretary; Selectman Dick Gandt

Abbreviations used:

TCC – Topsfield Conservation Commission

DEP – Department of Environmental Protection

NoI – Notice of Intent

CoC – Certificate of Compliance

ORAD – Order of Resource Area Delineation

BVW – Bordering Vegetated Wetland

BOS – Board of Selectmen

OoC – Order of Conditions

EO – Enforcement Order

ES – Executive Session

Public information: Agenda

7:00p.m. OPEN MEETING:

TCC signed authorizations and time sheets

HEARINGS:

Continuation ANRAD 307-0662: 116 Boston Street, (Map 69, Lot 13), Cheever/Hayes Engineering

Present: Elizabeth Wallace, Hayes Engineering.

Ms. Spillman reported on her site visit with Ms. Wallace the previous week, saying that the wetland B-series flags are roughly where they are supposed to be; she recommended verification of the closet B series flags. Ms. Spillman discussed proposed modifications of the delineation as she had sketched on a plan in the field at the site visit. There is a drainage pipe in the field with intermittent flow and possibly there are stone wells draining into the pipe. Mr. Luther commented that this area sounds typical of drumlins with tight soils, and pockets of water. Thus, the hillside could propose challenges, e.g. for septic system design. The TCC talked about their jurisdiction regarding this property. It was noted that this property has a significant slope.

Mr. Luther made a motion to close the hearing. Mr. Pratt seconded and the motion carried by unanimous vote.

Mr. Luther made a motion to approve the ANRAD as presented in the plan dated June 3, 2010 as amended by Spillman's site visit and issue an ORAD with a finding consistent with the Administrator's notations. Mr. MacDougall seconded and the motion carried by unanimous vote.

Continuation NoI 307-0664: 19 Towne Lane, (Map 33, Lot 62), Davin/C.G. Johnson Engineering, Inc.

Present: Charles Johnson, C.G. Johnson Engineering, Inc.; Maura Deems (sister of Ms. Davin) of 26 Bennett Road, Boxford

A revised plan has been submitted dated June 30, 2010. Mr. Johnson talked about the revised plan, saying the Board of Health (BOH) required a smaller system than originally proposed. There are three trenches, 63 feet from the wetlands at the closest. There was no public comment.

Mr. Luther made a motion to close the hearing. Ms. Merrill seconded and the motion carried by unanimous vote.

Mr. Luther made a motion to issue an Order of Conditions for the project as shown on the plan with revision dated June 30, 2010, with the usual Special Conditions under the Act and the Bylaw. Ms. Merrill seconded and the motion carried by unanimous vote.

Continued NoI 307-0665: 1 Pond Street, (Map 69, Lot 6), Maling/C.G. Johnson Engineering, Inc. Present: Charles Johnson, C.G. Johnson Engineering, Inc.

A plan revised June 30, 2010 was submitted last week after the Board BOH meeting and was referenced by Mr. Johnson. A treatment system previously was proposed; the BOH did not require this and the plan has been redesigned with a standard tank and passive filtering. The system is outside the Buffer Zone and would replace a failed system in the Buffer Zone. There was no public comment.

Mr. Luther made a motion to close the hearing Ms. Merrill seconded and the motion carried unanimously.

Mr. Luther made a motion to issue to issue an OoC for work as shown on plan with revision dated June 30, 2010 and with the usual Special Conditions under the Act and the Bylaw. Ms. Merrill seconded and the motion carried by unanimous vote.

Continued NoI 307-0663: Former Rail Line/Rail Trail – Summer Street to Wenham Line, (Maps 49 & 58; Lots 44, 88 & 2, 52) Town of Topsfield – Rail Trail Committee/Geller

Present: Joe Geller and Gregg Demers of the Rail Trail Committee; Ralph Stump, abutter.

Abutter Ralph Stump's concerns were discussed. Two cement pipes were observed near the Wenham line. Stakes will be used to hold the dust within the confines of the trail.

The TCC discussed in detail the concern about soils around the ties being contaminated with creosote. Mr. Luther presented documentation regarding this matter and summarized that contamination happens mostly within the first year then decreases; these ties are decades old and the danger to the wetlands has long passed. The TCC concluded that there should be no leaching of chemicals into the wetlands at this time but it is undetermined if disturbing the soil would be a concern. Mr. Erickson said he did not observe any stressed vegetation along the trail. Fibers left from the removal of ties will be buried under stone dust and stone. Erickson suggested that in areas where there might be erosion or potential erosion, some kind of filter fabric should be put down. Demers explained that during construction no wetlands will be disturbed and areas of Buffer Zone altered will be restored to a natural state. Areas of the construction path and shoulders of the path will be re-vegetated and adjacent areas that are disturbed but not part of the trail will be addressed. Mr. Geller explained that Iron Horse Preservation Society will be taking out the ties, smoothing out the surface, and doing some extra work between Summer Street and Route 1 – where it is very wet they will take out 8 inches and place some geotextile fabric. Ongoing maintenance was addressed and it was identified that the 501 nonprofit organization known as Friends of the Topsfield Trails will be in charge of maintenance.

Mr. Stump discussed his concerns, including migration of chemicals and herbicides that have been used over the years in the rail beds. He would not like to see recycled soils used as fill.

Mr. Geller confirmed that all natural, clean, virgin stone will be used basically the width of the ties being removed, and the soil between the ties will not be removed except in limited areas where the soils are wet. The eight-foot width is to be flattened, with two-foot shoulders.

The TCC talked about conditions to include only clean, natural material be used; more fill cannot be brought in than is being brought out, and there is to be no contaminated fill adjacent to wetlands areas. Mr. Luther added that it is important not to dig into the ballast.

Mr. Hall commented that there is a need to identify areas where erosion controls need to be in place and that there need to be conditions in place to prevent wetland impacts.

Mr. Geller explained that the shoulders of the trail would be vegetated and mowed.

Mr. Stump questioned if the NOI has sufficient information.

There was no additional public comment.

Mr. Luther made a motion to close the hearing. Mr. Pratt seconded. There was discussion regarding the floodplain of the Ipswich River; the FEMA floodplain map was referenced. It was noted that according to the FEMA maps, significant portions of the trail are in the floodplain. The motion carried by unanimous vote.

Mr. Hall suggested putting together a draft of conditions to discuss at the next meeting. It was noted that the next meeting is a workshop. The TCC asked the Administrator to set this as a priority over other applications.

A meeting will be posted for 7/15/2010 at 7:30 p.m. The TCC took no further action.

RDA 2010-06: 10 Hickory Lane, (Map 19, Lot 3), Walsh

Ms. Merrill read the legal ad.

Present: Michael Walsh

The proposed project is to remove up to eleven severely storm-damaged trees from Buffer Zone and from Bordering Vegetated Wetland (mostly trees falling into the wetland) and to bring in heavy equipment with minimal damage. Ms. Spillman reported on her site visit. Photos of the property were referenced. The TCC talked about limiting the areas the equipment can access to reduce damage to the wetlands. As a condition of the Determination, Ms. Spillman will meet the contractor prior to activities onsite to determine the optimal way to get the vehicle onsite to access the trees with minimal disturbance. No additional vegetation may be cut.

Mr. Luther made a motion to close the hearing. Ms. Merrill seconded and the motion, which carried by unanimous vote.

Mr. Luther made a motion to issue a Negative Determination of Applicability with Conditions under the Act and the Bylaw, contingent on a conference between the Administrator and the contractor of how to best approach the property and so that alteration of Resource Areas by machinery is kept to a minimum. Mr. Pratt seconded and the motion carried by unanimous vote.

RDA 2010-07: 31 Howlett Street, (Map 33, Lot 26), Fish

Ms. Merrill read the legal ad.

Present: Bette and Gary Fish

The proposed project is removal of the old pavement and drainage culvert under the driveway and replacement with new pavement and culvert in the same footprint. The culvert is to be replaced with culvert piping.

Mr. Luther made a motion to close the hearing. Ms. Merrill seconded and the motion carried by unanimous vote.

Mr. Luther made a motion to issue a Negative Determination of Applicability with Conditions under the Act and the Bylaw. Mr. Erickson seconded and the motion carried by unanimous vote.

Mr. Hall left the meeting 9:05 p.m. Mr. Luther chaired the rest of the meeting.

ENFORCEMENT, APPEAL REPORTS, UPDATES:

SORAD 307-0640: 57 Candlewood Dr. & 109R Perkins Row, (Map 43, Lot 7), Skeffington – No update

2nd Amended Enforcement Order #4: 215 Washington Street, (Map 46, Lot 7), Galka – No update

Enforcement Orders: Off Cross Street, (Map 62, Lot 2) Nash – Update

EPA is going ahead with issuance of the Order and hoping for the site visit in August.

Enforcement Order: 37 River Road (Map 48, Lot 13), Aftandilian – Update

Mr. Aftandilian informed the TCC office that he recently made contact with Dan Lenthall of NRCS and said he will not make the mid-July deadline.

Mr. Erickson made a motion to extend 37 River Road submittal of the farm plan to August 13, 2010.

Mr. MacDougall seconded and the motion carried unanimously.

REQUESTS:

Extension OoC 307-0594: 116 Boston Street, (Map 69, Lot 13), Cheever/Hayes Engineering

Present: Elizabeth Wallis, Hayes Engineering

The request is for a three-year extension to the OoC (new septic system in Buffer Zone).

Mr. Erickson made a motion to extend the OoC as requested with the same conditions under the Act and the Bylaw to 12/17/2013. Mr. Pratt seconded and the motion carried by unanimous vote.

CoC 307-0457, 10/10A Grove Street, (Map 40, Lot 12), Foubert

Present: Arthur Foubert

Ms. Spillman reported on her site visit, saying that this is an old filing for conversion of a barn to a garage and the installation of a deck. The property is substantially in compliance.

Mr. Erickson made a motion to issue the CoC. Mr. Pratt seconded and the motion carried by unanimous vote.

CoC 307-0527, 86 Salem Road, (Map 64, Lot 16), Clineff

The TCC is waiting for the engineer's letter, a state and local requirement.

RDNI 2010-03, 207 Boston Street/Topsfield Fairgrounds, (Maps 57 and 49, Lots 4 and 2, respectively), Essex Agricultural Society

The request is for the removal of two storm-damaged mature trees from Buffer Zone/Riverfront Area of School Brook.

Mr. Pratt made a motion to issue a Determination of Negligible Impact letter with the usual conditions under the Bylaw. Mr. Erickson seconded and the motion carried unanimously.

OLD BUSINESS, UPDATES, & MISCELLANEOUS:

OoC 307-0647: Town Wide Trail Management, Lloyd/ECTA – Bradley-Palmer activities – Update

Carol Lloyd will be discussing the trail restoration work, etc. that has taken place at Bradley-Palmer during this past year. Ms. Lloyd was not present. This will be rescheduled.

Pheasant Lane Survey – discussion

The survey is on hold.

Drainage Concerns

Wilmor Road – TCC was referred to the letter sent recently to the Board of Selectmen/Board of Health

ADMINISTRATOR'S REPORT:

- Luther Holger will be on call during Ms. Spillman's vacation.
- Eldon Goodhue would like to discuss 19/19R Pheasant Lane survey at the July 21st meeting.

Alex Frisch, Intern – projects update

- Canoe landing off 97 before Ipswich River
- Invasive Plants flyers
- Hoods Pond presentation
- Resources lists for TCC office

Topsfield Fairgrounds gabion installation – update

Ms. Spillman reported that the previous day she had the second pre-activity meeting for gabion installations along the river in three locations at the Fairgrounds.

EXECUTIVE SESSION: Potential litigation – No update No executive session was held.

9:45 p.m. Mr. Erickson made a motion to adjourn. Ms. Merrill seconded and the motion carried by unanimous vote.

Respectfully Submitted,

Catherine Tinsley

Accepted at the TCC meeting on November 17, 2010.

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Commission constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Commission as to the completeness or accuracy of such statements.